UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 January 2004_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-20_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _1/28/2004_.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim 20 is objected to because of the following informalities. Appropriate

correction is required.

<u>With respect to claim 20</u>

This claim recites the computer useable medium according to claim 7. Such a

recitation would make claim 20 essentially duplicative of claim 13. Judging by the

structure of the claims, taken as a whole, applicant appears to have meant for

claim 20 to depend on claim 19. For the purposes of examination below, it is

assumed that claim 20 is meant to depend on claim 19.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

<u>With respect to claims 1, 7, and 14</u>

These claims recite utilizing data from primary data files, preliminary data, stored

data, and data input manually. Applicant's disclosure fails to define these types of

data in such a way as to demonstrate their patentable difference over generic

data. For the purpose of examination below, these recitations are treated

cumulatively as generic data.

 Further, these claims recite an executing step, several utilizing steps, and a

determining step, but fail to teach how these steps are interrelated so as to arrive

at the determination of remaining financial obligations of assets.

<u>With respect to claims 2, 8, and 15</u>

These claims recite utilizing data from a Customer File, a Lessor File, a

Maintenance Provider File, a Manufacturer File, a Reseller File, an Asset Type

File, and an Asset File. Applicant's disclosure fails to define these types of files in

such a way as to demonstrate their patentable difference over a generic file. For

the purpose of examination below, these recitations are treated cumulatively as a

generic file.

<u>With respect to claims 3-5, 9-11, and 16-18</u>

These claims recite utilizing data associated with particular fields Applicant's

disclosure fails to define these types of fields in such a way as to demonstrate

their patentable difference over a generic field. For the purpose of examination

below, these recitations are treated cumulatively as a generic field.

<u>With respect to claim 6, 12 and 19</u>

These claims recite a series of determining steps. Applicant's claims fail to

demonstrate how these determination steps interrelate to further the goal of

determining the remaining financial obligations of assets.

<u>With respect to claims 13 and 20</u>

These claims are rejected for incorporating the subject matter rejected above.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent Application Publication 2003/0046199 (Murase) in view of Official Notice.

With respect to claim 1

Murase teaches:

A method to determine remaining financial obligations of assets,

said method comprising:

executing ASSET FINANCIAL RESTRUCTURING software (see

par 20, note that it is implicit that the asset financial restructuring software

be present and executed since the processing device is envisioned to be a

computer);

utilizing data (see par 23, Note also that the data files are being

treated cumulatively as generic data, see 35 U.S.C. 112, second

paragraph rejection above); and

determining the remaining financial obligation value of leased

assets and the book value of financed or depreciated assets (see par 30,

31, and 35 for determining the remaining financial obligation and see par

28 for determining the book value of the assets, and fig 2, generally).

Murase does not explicitly teach utilizing data from primary, preliminary, stored,

and input sources.

Examiner takes Official Notice that is it old and well known in the art to use

information sources having the necessary data inputs in order to make

determinations. For example, if one wanted to determine the voltage across a

particular component (V=IR), it would be well known to utilize a source, file, or

data field having information regarding the appropriate electrical current (I) and

resistance (R).

It would have been obvious to one having ordinary skill in the art at the time of

applicant's invention to have used the terminal and computer executable medium

to execute asset financial restructuring software, used data from appropriate

sources as taught by Official Notice, and perform determination steps and

alerting steps in order to facilitate alteration of a lease before the scheduled end

of the lease as taught explicitly by Murase (see par 3) and Official Notice.

With respect to claim 2

Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim1 above), wherein

the utilizing data from primary data files step further comprises utilizing

data from

a Customer File,

> > > a Lessor File,
> > >
> > > a Maintenance Provider File,
> > >
> > > a Manufacturer File,
> > >
> > > a Reseller File,
> > >
> > > an Asset Type File, and
> > >
> > > an Asset File (see par 23 and 26, describing the sources of data
> >
> > and Official Notice. Note also that the data files are being treated
> >
> > cumulatively as generic data file, see 35 U.S.C. 112, second paragraph
> >
> > rejection above)

> (see rationale supporting obviousness of claim 1)

> With respect to claim 3

> Murase as modified by Official Notice teaches:

> > The method according to claim 1 (see rejection of claim 1 above), wherein
> >
> > the utilizing data from preliminary data step further comprises utilizing data
> >
> > from a data associated with the fields PRESENT VALUE RATE, DEAL
> >
> > YIELD, RESIDUAL VALUE UPLIFT, END OF TERM WARNING, USER
> >
> > NAME, DEPRECIATION TERM, and USER COMPANY (see Murase par
> >
> > 23 and 26 and Official Notice. Note 35 U.S.C. 112, second paragraph
> >
> > rejection above).

> (see rationale supporting obviousness of claim 1)

> With respect to claim 4

> Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim 1 above), wherein

the utilizing data from stored data step further comprises utilizing data

associated with fields TERM USED, TERM REMAINING, MINIMUM

TERM REMAINING, MAXIMUM TERM REMAINING, AVERAGE DEAL

TERM, ESTIMATED RESIDUAL VALUE, UPLIFTED RESIDUAL VALUE,

TERMINATION VALUE, and BOOK VALUE (see par 23 and 26 and 35

and Official Notice. Note U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 5

Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim 1 above), wherein

the utilizing data that is input manually further comprises utilizing data

associated with fields ASSET TYPE, ASSET FLAG, DEAL DATE, PRICE,

LEASE FLAG, DEAL TERM, DEAL PAYMENT (depreciation override),

DEAL MAINTENANCE, ASSET MANUFACTURER, ASSET MODEL,

ASSET NUMBER, CUSTOMER NAME, and ASSET QUANTITY (see par

23 and 26 and 35 and Official Notice. Note U.S.C. 112, second paragraph

rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 6

Murase as modified by Official Notice teaches:

The method according to claim 1 (see rejection of claim 1 above), wherein the determining the remaining book value of assets that are financed or depreciated step further comprises

determining a TERM USED in months for an asset;

determining a TERM REMAINING for an asset;

determining a MINIMUM and MAXIMUM TERM REMAINING for the asset; determining an AVERAGE TERM for the asset;

determining an ESTIMATED RESIDUAL VALUE for the asset;

determining an UPLIFTED RV for the asset;

determining a TERMINATION VALUE for the asset;

determining a FINANCE RATE for a the asset;

determining a REMAINING BOOK VALUE for the asset; and

determining a TOTAL REMAINING OBLIGATION for the asset (see par 28-36).

(see rationale supporting obviousness of claim 1)

With respect to claim 7

Murase as modified by Official Notice teaches:

An ASSET FINANCIAL RESTRUCTURING software system to determine the remaining financial obligation value of assets, said system comprising:

a computer useable medium (see par 20, note that it is implicit that the digital computer have a computer useable medium in order to perform its calculation functions); and

a computer device having a processing unit (see par 20);

wherein said computer useable medium carries thereon software, which,

when executed by the processing unit, causes the processing unit to carry

out steps comprising:

executing the ASSET FINANCIAL RESTRUCTURING

software (see par 20, note that it is implicit that the asset financial

restructuring software be present and executed since the

processing device is envisioned to be a computer);

utilizing data from primary data files;

utilizing data from preliminary data;

utilizing data from stored data;

utilizing data that is input manually (see par 23 and Official

Notice, note 35 U.S.C. 112, second paragraph rejection above);

and

determining the remaining financial obligation value of

leased assets and the book value of financed or depreciated assets

(see par 30, 31, and 35 for determining the remaining financial

obligation and see par 28 for determining the book value of the

assets, and fig 2, generally).

(see rationale supporting obviousness of claim 1)

<u>With respect to claim 8</u>

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein

said utilizing data from primary data files step further comprises

utilizing data from

a Customer File,

a Lessor File,

a Maintenance Provider File,

a Manufacturer File,

a Reseller File,

an Asset Type File, and

an Asset File (see par 23 and 26, describing the sources of

data and Official Notice. Note 35 U.S.C. 112, second paragraph

rejection above).

(see rationale supporting obviousness of claim 1)

<u>With respect to claim 9</u>

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein

said utilizing data from preliminary data step further comprises utilizing

data from a data associated with the fields

PRESENT VALUE RATE,

DEAL YIELD,

RESIDUAL VALUE UPLIFT,

END OF TERM WARNING,

USER NAME,

DEPRECIATION TERM, and

USER COMPANY (see par 23 and 26 and 35 and Official Notice.

Note U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

<u>With respect to claim 10</u>

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein

said utilizing data from stored data step further comprises utilizing data

associated with fields

TERM USED,

TERM REMAINING,

MINIMUM TERM REMAINING,

MAXIMUM TERM REMAINING,

AVERAGE DEAL TERM,

ESTIMATED RESIDUAL VALUE,

UPLIFTED RESIDUAL VALUE,

TERMINATION VALUE, and

BOOK VALUE (see par 23 and 26 and Official Notice. Note 35

U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

<u>With respect to claim 11</u>

Murase as modified by Official Notice teaches:

> The system according to claim 7 (see rejection of claim 7 above), wherein
>
> said utilizing data that is input manually further comprises utilizing data
>
> associated with fields
>
>> ASSET TYPE,
>>
>> ASSET FLAG,
>>
>> DEAL DATE,
>>
>> PRICE,
>>
>> LEASE FLAG,
>>
>> DEAL TERM,
>>
>> DEAL PAYMENT (depreciation override),
>>
>> DEAL MAINTENANCE,
>>
>> ASSET MANUFACTURER,
>>
>> ASSET MODEL,
>>
>> ASSET NUMBER,
>>
>> CUSTOMER NAME, and
>>
>> ASSET QUANTITY (see par 23 and 26 and Official Notice. Note 35
>>
>> U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

<u>With respect to claim 12</u>

Murase as modified by Official Notice teaches:

The system according to claim 7 (see rejection of claim 7 above), wherein

said determining the remaining book value of assets that are financed or

depreciated step further comprises:

determining a TERM USED in months for an asset;

determining a TERM REMAINING for the asset;

determining a MINIMUM and MAXIMUM TERM REMAINING for

the asset;

determining an AVERAGE TERM for the asset;

determining an ESTIMATED RESIDUAL VALUE for the asset;

determining an UPLIFTED RV for the asset;

determining a TERMINATION VALUE for the asset;

determining a FINANCE RATE for the asset;

determining a REMAINING BOOK VALUE the asset; and

determining a TOTAL REMAINING OBLIGATION for the asset (see

par 28-36).

(see rationale supporting obviousness of claim 1)

With respect to claim 13

Murase as modified by Official Notice teaches:

The system according to claim 12 (see rejection of claim 12 above),

wherein said determining a TERM REMAINING for a leased asset further

comprises:

comparing the TERM USED with an END OF TERM (EOT), and

displaying an EOT warning on a display if the TERM USED is lower

than the END OF TERM (see par 28-36, 45-46, and fig 3A. Note

that displaying the contents of fig 3A on the terminal disclosed in

par 45-46 would warn a user that the TERM USED is lower than

the END OF TERM by virtue of the dashed line at year 3 and the

abrupt change in slope of the a' line).

(see rationale supporting obviousness of claim 1)

With respect to claim 14

Murase as modified by Official Notice teaches:

A computer useable medium carrying ASSET FINANCIAL

RESTRUCTURING software which, when executed by a processing unit,

causes the processing unit to carry out steps comprising:

utilizing data from primary data files;

utilizing data from preliminary data;

utilizing data from stored data;

utilizing data that is input manually (see Murase par 23 and

Official Notice, note 35 U.S.C. 112, second paragraph rejection

above); and

determining the remaining financial obligation value of

leased assets and the book value of financed or depreciated assets

(see par 30, 31, and 35 for determining the remaining financial

obligation and see par 28 for determining the book value of the

assets, and fig 2, generally).

(see rationale supporting obviousness of claim 1)

With respect to claim 15

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14, wherein said

utilizing data from primary data files step further comprises utilizing data

from

a Customer File,

a Lessor File,

a Maintenance Provider File,

a Manufacturer File,

a Reseller File,

an Asset Type File, and

an Asset File (see par 23 and 26, describing the sources of data

and Official Notice. Note 35 U.S.C. 112, second paragraph

rejection above)..

(see rationale supporting obviousness of claim 1)

With respect to claim 16

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14 (see rejection of

claim 14 above), wherein said utilizing data from preliminary data step

further comprises utilizing data from a data associated with the fields

PRESENT VALUE RATE,

DEAL YIELD,

RESIDUAL VALUE UPLIFT,

END OF TERM WARNING,

USER NAME,

DEPRECIATION TERM, and

USER COMPANY. (see par 23 and 26 and Official Notice. Note 35

U.S.C. 112, second paragraph rejection above)

(see rationale supporting obviousness of claim 1)

With respect to claim 17

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14 (see rejection of

claim 14 above), wherein said utilizing data from stored data step further

comprises utilizing data associated with fields

TERM USED,

TERM REMAINING,

MINIMUM TERM REMAINING,

MAXIMUM TERM REMAINING,

AVERAGE DEAL TERM,

       ESTIMATED RESIDUAL VALUE,

       UPLIFTED RESIDUAL VALUE,

       TERMINATION VALUE, and

       BOOK VALUE. (see par 23 and 26 and 35 U.S.C. 112, second

       paragraph rejection above)

(see rationale supporting obviousness of claim 1)

<u>With respect to claim 18</u>

Murase as modified by Official Notice teaches:

       The computer useable medium according to claim 14, wherein said

       utilizing data that is input manually further comprises utilizing data

       associated with fields

              ASSET TYPE,

              ASSET FLAG,

              DEAL DATE,

              PRICE,

              LEASE FLAG,

              DEAL TERM,

              DEAL PAYMENT (depreciation override),

              DEAL MAINTENANCE,

              ASSET MANUFACTURER,

              ASSET MODEL,

              ASSET NUMBER,

CUSTOMER NAME, and

ASSET QUANTITY (see par 23 and 26 and Official Notice. Note 35

U.S.C. 112, second paragraph rejection above).

(see rationale supporting obviousness of claim 1)

With respect to claim 19

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 14 (see rejection of

claim 14 above), wherein said determining the remaining book value of

assets that are financed or depreciated step further comprises:

determining a TERM USED in months for an asset;

determining a TERM REMAINING for the asset;

determining a MINIMUM and MAXIMUM TERM REMAINING for

the asset ;

determining an AVERAGE TERM for the asset;

determining an ESTIMATED RESIDUAL VALUE for the asset;

determining an UPLIFTED RV for the asset;

determining a TERMINATION VALUE for the asset;

determining a FINANCE RATE for the asset;

determining a REMAINING BOOK VALUE for the asset; and

determining a TOTAL REMAINING OBLIGATION for the asset.

(see par 28-36).

(see rationale supporting obviousness of claim 1)

<u>With respect to claim 20</u>

Murase as modified by Official Notice teaches:

The computer useable medium according to claim 7 (assumed to refer to

claim 19, see rejection of claim 19 above), wherein said determining a

TERM REMAINING for the asset further comprises

comparing the TERM USED with an END OF TERM, and

displaying an EOT warning on a display if the TERM USED is lower

than the END OF TERM. (see par 28-36, 45-46, and fig 3A. Note

that displaying the contents of fig 3A on the terminal disclosed in

par 45-46 would warn a user that the TERM USED is lower than

the END OF TERM by virtue of the dashed line at year 3 and the

abrupt change in slope of the a' line)

(see rationale supporting obviousness of claim 1)

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-

5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on (571) 272-6712. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

7.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/
Primary Examiner, Art Unit 3694